

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-62

A RESOLUTION AMENDING SECTION 19 OF THE RULES, RATES AND REGULATIONS GOVERNING WATER SERVICE HANDBOOK

WHEREAS, the public interest is served by the ability to limit water usage during an emergency

WHEREAS, amendments to the Rules, Rates and Regulations Governing Water Service Handbook would clarify the process to be used to curtail water usage when water shortages occur or are anticipated;

WHEREAS, the Tigard City Council has the authority under intergovernmental agreements with the Tigard Water District, the City of Durham, and King City to amend the Rules, Rates and Regulations Governing Water Service Handbook;

WHEREAS, the Intergovernmental Water Board has reviewed proposed amendments to the Rules, Rates and Regulations Governing Water Service Handbook that clarify the process to be used to curtail water in times of shortages and supports the proposed amendments.

NOW THEREFORE, BE IT RESOLVED by the Tigard City Council that::

Section 19 of the Rules, Rates and Regulations Governing Water Service Handbook is amended to read as follows:

A. Limitation on the Use of Water

- (a) Limitation on the use of water as to hours, purpose, or manner may be prescribed from time to time by order of the City of Tigard Public Works Director, based on a finding that the limitation is reasonable given the available and projected water supply and demand. Any order under this section shall be reviewed by the Tigard City Council at its next session following issuance of the order. The Tigard City Council may affirm, withdraw or amend the order.
- (b) The Tigard Public Works Director, the Tigard City Manager, or the Tigard City Council may call for voluntary reductions in water use, including but not limited to voluntary rotational watering plans.

B. Findings and Declaration of a Water Emergency.

Upon a finding that the municipal water supply system is incapable of providing an adequate water supply for normal usage due to a drought, system failure, or any other event, the Tigard City Council may declare a water emergency and require that water usage must be curtailed. The declaration shall include the effective date, the reason for the declaration, and the level of prohibition declared. The Tigard City Council may include an estimated time for review or revocation of the declaration. City of Tigard staff and the Tigard City Council shall inform the Intergovernmental Water Board of potential water emergencies and, when possible, shall seek and consider advice and recommendations of the IWB.

C. Levels of Prohibition.

(1) Level I – Limited. The following activities or actions are prohibited under a Level 1 declaration:

- (a) Watering, sprinkling or irrigating lawn, grass or turf; exceptions:
 - (i) New lawn, grass or turf that has been seeded or sodded 90 days prior to declaration of a water shortage may be watered as necessary until established;
 - (ii) High-use athletic fields that are used for organized play.
 - (iii) If the Level 1 declaration so provides, a mandatory rotational watering plan may be imposed rather than an absolute prohibition on watering.
- (b) Watering, sprinkling or irrigating flowers, plants, shrubbery, ground cover, crops, vegetation, or trees except from 6:00 p.m. to 10:00 a.m.
- (c) Washing, wetting down or sweeping with water, sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas; exceptions:
 - (i) Where there is a demonstratable need in order to meet public health and safety requirements, such as: to alleviate immediate fire or sanitation hazards; for dust control to meet air quality requirements mandated by the Oregon Department of Environmental Quality;

- (ii) Power washing of buildings, roofs and homes prior to painting, repair, remodeling or reconstruction, and not solely for aesthetic purposes.
 - (d) Washing trucks, cars, trailers, tractors and other land vehicles or boats or other water-borne vehicles, except by commercial establishments or fleet washing facilities which recycle or reuse the water in their washing processes, or by bucket and hose with a shut-off mechanism; exception:
 - (i) Where the health, safety and welfare of the public is contingent upon frequent vehicle cleaning, such as: to clean garbage trucks and vehicles that transport food and other perishables, or otherwise required by law. Owners/operators of these vehicles are encouraged to utilize establishments that recycle or reuse the water in their washing process.
 - (e) Cleaning, filling or maintaining decorative water features, natural or manmade, including but not limited to, fountains, lakes, ponds and streams, unless the water is recirculated through the decorative water feature. Water features that do not include continuous or constant inflowing water are not included.
 - (f) Wasting water by leaving unattended hoses running.
 - (g) Water line testing and flushing in connection with construction projects; exception:
 - (i) Testing and flushing of critical water facilities
 - (h) Other actions that the Tigard City Council determines should be restricted, consistent with a Level I situation, including any restriction or curtailment imposed on the city by water suppliers or applicable law, regulation or order.
- (2) Level II – Moderate. The following activities or actions are prohibited under a Level II declaration.
- (a) Actions and activities prohibited in a Level I situation.
 - (b) Watering of any lawn, grass or turf, regardless of age or usage.
 - (c) Watering, sprinkling, or irrigating flowers, plants, shrubbery, groundcover, crops, vegetation or trees.
 - (d) Washing of vehicles other than in establishments that recycle.

(e) Power washing of buildings, regardless of purpose, is prohibited.

(f) Any additional actions that the Tigard City Council determines should be restricted consistent with a Level II situation.

(3) Level III – Severe. In addition to the restrictions imposed under Level I and Level II, the Tigard City Council may impose any other restriction on water use or activities that may require the need for water supplies, consistent with water supply contracts. Activities that may require the need for water supplies include fireworks displays and other events that create a risk of fire. In imposing a Level III restriction, the Tigard City Council shall consider any restriction recommended by the Public Works Director, by any Fire District serving the City, by the IWB, or by any of the jurisdictions to which the City of Tigard provides water.

D. Enforcement.

(1) Warning. The City of Tigard shall send a letter of warning for each violation of a curtailment restriction if no previous letter of warning has been sent to the person responsible for the violation. The letter of warning shall specify the violation, may require compliance measures, and shall be served upon the person responsible for the violation. Service may be in person, by office or substitute service, or by certified or registered mail, return receipt requested.

E. Penalties.

(1) First Violation – Warning letter.
(2) Subsequent Violations of the same type – To be determined by city or district within violator is located.

F. Water Shut-Off.

After the third violation of a curtailment restriction, the Tigard Public Works Director may order that the water service to the location where the violation has occurred shall be shut-off or reduced. A shut-off notice shall be posted on the property at least 48 hours prior to the scheduled shut-off or reduction. The shut-off notice shall specify the reasons for the shut-off or reduction. Any person wishing to avoid a shut-off must provide the Tigard Public Works Director with evidence that the shut-off will create a health or safety risk. All shut-offs imposed under this section shall be temporary, not to exceed thirty (30) days, provided the applicable charges are paid prior to reconnection. The reconnection charge and any

applicable meter disconnection charge imposed shall be paid before the reconnection.

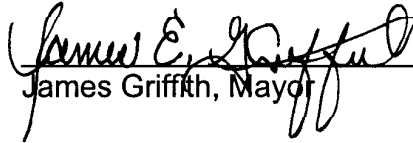
G. **Definition**

As used in this section:

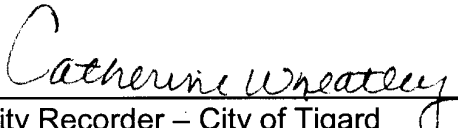
"Rotational watering plan" means a plan for watering lawns and/or gardens on specific days or at specific times and not on other days or times. A rotational watering plan may be voluntary or mandatory.

H. This resolution is effective immediately upon passage.

APPROVED: By Tigard City Council this 9th day of October, 2001.


James Griffith, Mayor

ATTEST:


Catherine Wheatley
City Recorder – City of Tigard